

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2005-137863-001 SE
CR2006-102089-001 SE

12/19/2006

HONORABLE MICHAEL D. HINTZE

CLERK OF THE COURT
E. Bacarella
Deputy

STATE OF ARIZONA

SEF PRETRIAL COUNTY ATTORNEY

v.

ROSE RENE CASTRO (001)
DOB: 04/19/1963
Booking No.: P184510

EWA LOCKARD

CORRECTIONAL HEALTH SERVICES
CORRECTIONAL HEALTH SERVICES-
RESTORE TO COMPETENCY
COURT FORENSIC SERVICES UNIT
D & C MATERIALS-SE
DISPOSITION CLERK-CSC
MH-DESERT VISTA-COUNTY
ATTORNEY
MH-DESERT VISTA-DOCTOR
MH-DESERT VISTA-PD
VICTIM SERVICES DIV-CA-SE

REDETERMINATION OF COMPETENCY AFTER TREATMENT TO RESTORE
COMPETENCY -
DEFENDANT INCOMPETENT - A.R.S. Section 13-4517(1) - SUBMISSION ORDER
FOR PETITION FOR CIVIL COMMITMENT

10:59 a.m.

State's Attorney:	Juli Warzynski
Defendant's Attorney:	Cathryn Whalen
Defendant:	Present

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A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

There is a written stipulation for submission to the Court of the matter of Defendant's competency based on the written report by Dr. Thomas Geen dated 12/05/2006.

The report(s) and any other testimony and evidence submitted having been considered,

THE COURT FINDS the Defendant is unable to understand the nature of the proceedings and/or is unable to assist counsel in Defendant's defense, and is therefore criminally incompetent, pursuant to A.R.S. Section 13-4517(1).

THE COURT FURTHER FINDS that there is no substantial probability that Defendant will be restored to competency within 21 months after the date of the original finding of incompetency.

Based upon the written report(s) of the expert(s) and any other testimony and evidence submitted,

THE COURT FURTHER FINDS that there is reasonable cause to believe that the Defendant is a danger to self, a danger to others, persistently or acutely disabled, or gravely disabled as a result of a disorder pursuant to A.R.S. Section 36-501, et seq.

THE COURT FURTHER FINDS that the Defendant is not willing and is not capable of voluntarily consenting to admission to a mental health treatment agency for the evaluation, care or treatment of his/her mental condition.

THE COURT FURTHER FINDS that the Defendant is likely, without immediate or continued hospitalization, to suffer serious physical harm or serious illness, or to inflict serious physical harm on another person prior to evaluation and further hearing.

IT IS ORDERED that the Defendant shall be immediately taken into custody by the Sheriff and shall be immediately transported to the Desert Vista Behavioral Health Center for in-patient evaluation pursuant to A.R.S. §36-530.

Nothing in this order shall prevent an interested person from filing an Application for Evaluation of the Defendant at any time or prevent the Defendant from voluntarily filing an Application for Voluntary Admission to a mental health treatment agency.

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Nothing in this order shall change or limit the duties and responsibilities of the medical director of the mental health treatment agency pursuant to A.R.S. Section 36-501, et seq.

IT IS FURTHER ORDERED that the original report(s) of the mental health expert(s) shall be sealed and maintained in a confidential manner by the Clerk of the Superior Court; said report(s) are not to be disclosed to anyone except as provided for in A.R.S. § 36-509.

IT IS FURTHER ORDERED appointing the Deputy Public Defender assigned to mental health proceedings as co-counsel during all civil mental health proceedings.

IT IS FURTHER ORDERED that the County Attorney is to file a Petition for Court-Ordered Evaluation with the Clerk of the Court, pursuant to A.R.S. Section 36-521(F), by 5:00 p.m. on 12/21/2006 and provide a copy of the filed Petition to this division. The division staff is directed to review the file to determine compliance within 48 hours of the Petition's file date.

IT IS FURTHER ORDERED that counsel for the State in this cause furnish to the Probate Registrar copies of all police reports concerning the charges in this cause by 5:00 p.m. 12/22/2006. The copies will be sent to the evaluation agency to aid in the evaluation and treatment of the Defendant.

IT IS FURTHER ORDERED that all medical records currently in the possession of Correctional Health Services shall be promptly delivered to the Desert Vista Behavioral Health Center.

IT IS ORDERED exonerating any bond previously posted in this matter to the party posting same.

IT IS FURTHER ORDERED dismissing without prejudice the criminal charges in these matters effective at 5:00 p.m. on 12/21/2006.

The Court notes that it has previously been reported that the Defendant is enrolled with ValueOptions.

SEALED AND FILED: Medical report(s) by the expert(s).

ISSUED: Order of Confinement.

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11:01 a.m. Matter concludes.

/ s / HONORABLE MICHAEL D. HINTZE

JUDICIAL OFFICER OF THE SUPERIOR COURT

cc: 3 certified copies delivered to MCSO/SIMS